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10/716,121

11/18/2003

Tom Tang

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EXAMINER

POPE, DARYL C

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/716,121
Filing Date: November 18, 2003
Appellant(s): TANG ET AL.

JEFFREY M. SZUMA
For Appellant

EXAMINER'S ANSWER

MAILED

JAN 10 2007

GROUP 2600

This is in response to the appeal brief filed 10/2/2006 appealing from the Office action
mailed 6/19/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kulka et al(6,087,930).

-- In considering claims 1-10, the claimed subject matter that is met by Kulka et al(Kulka) includes:

- 1) the transponder(10), RFID(18), central processing unit(20), including memory(22), including tire ID code(see: column 5, lines 20-31), low frequency receiver(34), external interface inputs(26,28), low frequency receiver;
- 2) the program signal having a low frequency is met(see: column 8, lines 26-41);
- 3) the remote transmitter including low frequency transmitter is met by the interrogator(80, column 8, lines 25-41);
- 4) the signal transmitted according to each of the stored plurality of codes and the receiver recognizing the codes is met by the interrogator transmitting based on a tag ID value(see: column 8, lines 42 et seq).

-- Claims 11-20 recite subject matter that is met as discussed in claims 1-10 above.

(10) Response to Argument

APPELLANT'S ARGUMENTS:

- 1) *"The '930 patent is directed to a transponder and sensor apparatus for transmitting vehicle tire parameter data.....Thus, in contrast to independent claim 1, '930 patent fails to teach or suggest a storage device for storing a plurality of codes,*

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each code comprising at least a data format or a transmitter for transmitting a wireless signal according to one of the stored plurality of codes."

2) *"Similarly, in contrast to independent claim 19, the '930 patent fails to teach or suggest a storage device for storing a plurality of codes, each code comprising at least a data format, or a transmitter for transmitting a series of wireless signals, each according to a different one of the stored plurality of codes."*

3) *"Still further, in contrast to independent claim 11, the '930 patent fails to teach or suggest a receiver for receiving a program signal, the program signal comprising one of a plurality of codes, each code comprising at least a data format, or a transmitter for transmitting a wireless signal according to the one of the plurality of codes received by the receiver."*

EXAMINER'S RESPONSE:

1-3) The appellant contends that the reference to Kulka('930) does not read on the claimed subject matter because appellant interprets that Kulka does not teach a tire monitor having a transponder that stores a plurality of codes, each code comprising at least a data format or a transmitter for transmitting a series of wireless signals, each according to a different one of the stored plurality of codes. The appellant further contends that Kulka also does not teach a receiver for receiving a program signal comprising one of the codes, each code comprising at least a data format or a transmitter for transmitting a wireless signal according to the one of the plurality of codes received by the receiver.

Appellant goes into great detail with regards to the definition of the terms code and format in the arguments of this appeal, stating that *“neither that code nor any of the data listed identifies or represents a format according to which wireless signals are transmitted, where the format may include characteristics such as carrier frequency, modulation scheme, data format and/or encryption technique.”* Nowhere in the claims are these definitions recited. Appellant appears to be relying on imputing definitions as recited in the specification into the claims so as to make arguments for the claimed subject matter. However, the examiner is allowed to give claimed subject matter its broadest reasonable interpretation while rejecting claims.

The examiner's interpretation of the terms claimed code and format do not require use of appellants imputed definitions in relation to the specification. Use of stored codes and transmission of data according to a format is clearly taught by Kulka in a manner which reads on the limitations of the claimed subject matter. In column 10 lines 29-33, Kulka clearly states that signals transmitted from the RFID(18) to the remote interrogation source(30) are transmitted in serial format. As well, Kulka states that parameters output from memory(22) are transmitted serially after preamble signal bits, which implies that parameter data is coded data that is serially transmitted to the remote interrogation source.

Based on a reasonable interpretation of the claims, this reads on applicants claimed limitation of a program signal comprising one of a plurality of codes, each code comprising at least a data format. In view of this, appellants arguments are not deemed persuasive.

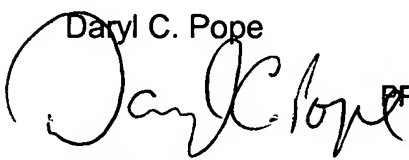
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(11) Related Proceeding(s) Appendix

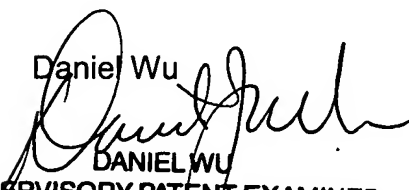
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Daryl C. Pope

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